COUNTY OF LEHIGH, PENNSYLVANIA
COMMISSIONERS BILL 2014-13
SPONSORED BY COMMISSIONER BRACE
REQUESTED DATE: MAY 21, 2014
ORDINANCE NO. 2014 –

RESCISSION OF THE POLICY ESTABLISHED BY AMENDMENT NUMBER 1 TO THE APPROVED 2014 BUDGET OF LEHIGH COUNTY TO COMPLY WITH THE WHITEWOOD VS. WOLF RULING

WHEREAS, in *Whitewood vs. Wolf*, Case 1:13-cv-01861-JEJ the United States District Court for the Middle District of Pennsylvania held that Pennsylvania's marriage laws on same-sex marriage violated the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution, and permanently enjoined the enforcement of those laws; and

WHEREAS, as a result, it is unconstitutional for Pennsylvania to: (1) deny same-sex couples the right to marry in Pennsylvania and (2) fail to recognize a valid out-of-state same-sex marriage; and

WHEREAS, Amendment 1 to the 2014 Lehigh County budget specifically eliminated healthcare benefits for same-sex spouses of County employees; and

WHEREAS, the County of Lehigh respects the rule of law, as well as the civil rights and liberties of its citizens; and

WHEREAS, it is the County of Lehigh's intent to comply with the *Whitewood* ruling by offering legally married same-sex employees the same benefits it extends to legally married opposite-sex employees; and

WHEREAS, Sections 302(F) and 310(a)(11) of the Home Rule Charter require ordinance approval when adopting or amending a Personnel Code and when establishing employee compensation.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Commissioners of Lehigh County, Pennsylvania that:

1. The foregoing WHEREAS clauses are incorporated herein as if set forth in their entirety.

2. The policy established by Amendment #1 to the 2014 Budget is hereby rescinded to permit the County to extend to legally married same-sex employees the same benefits the County offers to legally married opposite-sex employees.

3. The proper officers and other personnel of Lehigh County are hereby authorized and empowered to take all such further action, including any necessary transfers of funds, and execute additional documents as they may deem appropriate to carry out the purpose of this Ordinance.

4. The County Executive shall distribute copies of this Ordinance to the proper officers and other personnel of Lehigh County whose further action is required to achieve the purpose of this Ordinance.

5. Any Ordinance or part of an Ordinance conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance.

6. This Ordinance shall become effective in ten (10) days after enactment.

APPROVED this _____ day of_____, 2014, by the following vote:

COMMISSIONERS	AYE	NAY
Geoff Brace		
Thomas C. Creighton, III		
Percy H. Dougherty		
David S. Jones, Sr.		
Vic Mazziotti		
Brad Osborne		
Scott Ott		
Lisa Scheller		
Michael P. Schware		

ATTEST: _____
Clerk to the Board of Commissioners

APPROVED this _____ day of _____, 2014.

_____
Thomas S. Muller
Lehigh County Executive

ENACTED this _____ day of _____, 2014.